

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Dominica D. Dearing) Case No. 17-10025
) Chapter 13 Proceedings
Debtor.) Judge Jessica E. Price Smith

**CHAPTER 13 TRUSTEE'S OBJECTION TO DEBTOR'S
MOTION TO APPOINT NEXT OF FRIEND TO TESTIFY
AT MEETING OF CREDITORS ON BEHALF OF DEBTOR**

Now comes **CRAIG SHOPNECK**, the duly appointed and qualified Standing Chapter 13 Trustee ("Trustee") herein, by and through counsel, and hereby objects to the Debtor's Motion to Appoint filed with this Court on April 27, 2017 (hereinafter "Debtor's Motion"). In support of his objection, the Trustee makes the following representations to the Court:

1. The Debtor's Motion does not comply with Bankruptcy Rule 1004.1 as this Rule is only available if a debtor is an infant or incompetent. Ms. Dearing has not provided verification of either. The Debtor's Motion only asserts that the Debtor is in jail.

2. Furthermore, the Debtor has not provided proof that the Debtor is incarcerated in a facility where counsel cannot meet with her in order to hold a telephonic First Meeting of Creditors. On March 24, 2017 the Trustee sent correspondence to Debtor's counsel advising steps to be taken for a telephonic exam to be conducted. Since then the Debtor has called the Trustee's office twice to inquire as to how to make plan payments and made a payment via e-pay.

3. The Debtor's Voluntary Petition does not accurately state where the Debtor resides at this time. The Debtor needs to disclose her current residence and amend the Voluntary Petition if Debtor does not reside at 2120 Cottingham Drive, Lyndhurst, OH.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court to deny the Debtor's Motion for the reasons cited.

Respectfully submitted,

/S/ Holly Davala

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CERTIFICATE OF SERVICE

I certify that on May 8, 2017, a true and correct copy of Trustee's Objection was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Lee R. Kravitz, Attorney, on behalf of Debtor, at leekravitz@sbcglobal.net

And by regular U.S. mail, postage prepaid, on:

Dominica D. Dearing, Debtor at 2120 Cottingham Drive, Lyndhurst, OH 44124

/S/ Holly Davala

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